

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **RAUL OSCAR MARCO LABOY**CASE NO: **17-03174-BKT**

Debtor(s)

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **05/03/2017**First Meeting Date: **06/07/2017 at 1:00PM**Days From Petition Date: **35**341 Meeting Date: **06/07/2017 at 1:00PM**910 Days Before Petition: **11/05/2014**Confirmation Hearing Date: **07/21/2017 at 2:30PM**Chapter 13 Plan Date: **05/03/2017** ☐ AmendedPlan Base: **\$16,320.00** Plan Docket # **5**

This is Debtor(s) 1 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:Total Paid In: **\$272.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video ConferenceDebtor: ☒ Present ☐ Absent ☒ ID & Soc. OKJoint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK☐ Examined ☒ Not Examined under Oath☐ Examined ☐ Not Examined under OathAttorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se☒ Creditor(s) Present☐ None

FIRSTBANK-MELCHOR

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **BEATRIZ HERNANDEZ TORO***Total Agreed: **\$2,500.00** Paid Pre-Petition: **\$300.00** Outstanding (Through the Plan): **\$2,200.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☐ Above Median Income

Liquidation Value: \$ TBD

Commitment Period is ☐ 36 months ☐ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ TBD

The Trustee: ☐ NOT OBJECTS ☐ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☒ CONTINUED ☐ NOT HELD ☐ CLOSED ☐ HELD OPEN FOR ____ DAYS

§341 Meeting Rescheduled for: JUNE 28, 2017 AT 3:00 PM

Comments: Debtor has a change in his DSO payment.

*CREDITOR(S) ORAL OBJECTIONS [LBR 3015-2 (c)(4)]
-No objections

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtor have failed to submit evidence of income made during the 6 month period prior to the filing of the case (November to April). The Trustee cannot verify adequately Means Test data without evidence of income. Debtor's commitment period cannot be determined at this time. Trustee to verify income (Schedule I and MT) once this evidence is submitted.

Debtor has failed to submit evidence of Christmas bonus. Debtor may only retain up to \$1,200.00 of his/her Christmas Bonus. Any excess over said amount must be surrendered on a yearly basis to fund the plan.

Debtor has failed to submit evidence to sustain the value given to the property described as Cond. El Bosque, Guayanbo. Also failed to submit evidence to sustain the value given to the car described in Schedule B as 2013 Kia Sportage.

Debtor has failed to submit ASUME certification.

Debtor has failed to submit complete contact information of the DSO claimant/s. Debtor must submit claimant's/s' address and telephone number.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor has failed to provide evidence of being current with post-petition DSO payments up to the present date. Furthermore, debtor must continue providing such evidence up to case confirmation.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of the compliance with the filing of the (local) tax returns pertaining to the year(s) 2013 and 1040 for 2016.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to provide to devote future income tax refunds to fund the plan.

*OTHER COMMENTS / OBJECTIONS

Debtor must clarify the number of household members, there is a different between the household members listed in Means Test with the dependents listed in Schedule J.
Also, debtor must include in Schedule J the dependents not living with him that he has a DSO.
Debtor must made the corresponding amendments.

/s/ Juliell Perez, Esq., Presiding Officer